

§ 8. Amendments Between the Houses

When one House has passed a joint resolution proposing a constitutional amendment and has transmitted it to the other House, the House receiving the joint resolution may adopt amendments by a simple majority vote, but a two-thirds vote is required for passage.⁽¹⁾ If one House passes with amendments such a joint resolution that originated in the other House, a two-thirds vote is required in the House in which the joint resolution originated in order to concur in the amendments of the other House.⁽²⁾ In the rare case where one House amends and passes a joint resolution of the other House by a two-thirds vote and then recedes from that amendment by a simple majority vote, the joint resolution is not considered as having been passed.⁽³⁾

The same is true in the Senate, although on one occasion, upon putting the question on agreeing to a conference report proposing an amendment to the Constitution, the Presiding Officer announced that the “yeas and nays must be called.” Cong. Globe 1638, 1641, 40th Cong. 3d Sess., Feb. 26, 1869 (proceedings carried in § 6.1, *supra*).

1. See § 8.1, *infra*.
2. See §§ 8.2, 8.3, *infra*.
3. See 5 Hinds’ Precedents § 7035.

§ 8.1 Vote required to adopt an amendment before passage of other House’s joint resolution.

On Apr. 13, 1965,⁽¹⁾ the House agreed to an amendment to a joint resolution proposing a constitutional amendment that had originated in the Senate. The amendment was adopted by a simple majority vote and the Senate joint resolution, as amended, was then passed by the requisite two-thirds vote. Proceedings were as follows:

The Clerk read the title of the Senate joint resolution, as follows:

S.J. RES. 1

Joint resolution proposing an amendment to the Constitution of the United States relating to succession to the Presidency and Vice-Presidency and to cases where the President is unable to discharge the powers and duties of his office[.] . . .

The SPEAKER.⁽²⁾ The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. [Emanuel] CELLER [of New York]: “Strike out all after the resolving clause of Senate Joint Resolution 1 and insert the provisions of House Joint Resolution 1, as passed by the House.”

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

1. 111 CONG. REC. 7969, 89th Cong. 1st Sess.
2. John W. McCormack (Mass.).

The SPEAKER. The question is on the third reading of the Senate joint resolution.

The Senate joint resolution was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the Senate joint resolution.

The question was taken; and (two-thirds having voted in favor thereof) the Senate joint resolution was passed.

A motion to reconsider was laid on the table.

A similar joint resolution (H.J. Res. 1) was laid on the table.

§ 8.2 A two-thirds vote is required in the House to adopt a motion that the House concur in Senate amendments to a House joint resolution proposing an amendment to the Constitution.

On Mar. 21, 1947,⁽¹⁾ the House concurred in Senate amendments to H.J. Res. 27, proposing a constitutional amendment regarding the term of office of the President of the United States, by a two-thirds vote. Proceedings were as follows:

Mr. [Earl] MICHENER [of Michigan]. Mr. Speaker, I ask the Speaker to lay before the House for immediate consideration House Joint Resolution 27, a joint resolution proposing an amendment to the Constitution of the

United States relating to the terms of office of the President, with Senate amendments.

The SPEAKER.⁽²⁾ The Clerk will report the title of the joint resolution and the Senate amendments.

The Clerk read the title of the joint resolution.

The Clerk read the Senate amendments[.] . . .

Mr. MICHENER. Mr. Speaker, this bill with the Senate amendment was returned to the House on March 13. It was taken informally before the full Committee on the Judiciary, and I am instructed by that committee to call the resolution up at this time for the purpose of agreeing to the Senate amendment. I have followed precedent and cleared through the majority leader and the minority leader.

I therefore move that the House concur in the Senate amendment.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. MICHENER moves that the House concur in the Senate amendment.

The SPEAKER. The gentleman from Michigan is recognized for 1 hour. . . .

Mr. MICHENER. Mr. Speaker, I move the previous question.

The previous question was ordered.

The question was taken; and on a division (demanded by Mr. [Robert] THOMASON [of Texas]) there were—ayes 81, noes 29.

Mr. [Aime J.] FORAND [of Rhode Island]. Mr. Speaker, I object to the vote on the ground a quorum is not present and make the point of order that a quorum is not present.

1. 93 CONG. REC. 2389, 2392, 80th Cong. 1st Sess.

2. Joseph W. Martin, Jr. (Mass.).

The SPEAKER. The Chair will count.

Mr. FORAND. Mr. Speaker, I withdraw the point of order.

So (two-thirds having voted in favor thereof) the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

§ 8.3 A two-thirds vote is required in the Senate to adopt a motion that the Senate concur in House amendments to a Senate joint resolution proposing an amendment to the Constitution.

On Dec. 18, 1917,⁽¹⁾ the Senate had under consideration Senate Joint Resolution 17, proposing a constitutional amendment prohib-

1. 56 CONG. REC. 477, 65th Cong. 2d Sess. See also 106 CONG. REC. 12850-58, 86th Cong. 2d Sess., June 16, 1960.

iting the manufacture, sale, or transportation of intoxicating liquors, with House amendments thereto. After a motion was made that the Senate concur in the House amendments, Mr. William E. Borah, of Idaho, asked as a parliamentary inquiry whether a two-thirds vote was required to agree to the motion.

The VICE PRESIDENT.⁽²⁾ That is the opinion of the Chair. It is the view of the Chair that an amendment to a resolution proposing an amendment to the Constitution of the United States needs only a majority in order to be adopted; but the resolution having once been adopted by the Senate and gone to the House and returned here for the final action of the Senate, it is necessary to have a two-thirds vote on the amendments of the House, for this constitutes the final passage of the resolution.

2. Thomas R. Marshall (Ind.).